

Message Text

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ACTION OES-04

INFO OCT-01 EUR-12 ISO-00 AID-05 CEQ-01 CIAE-00 COA-01

COME-00 DODE-00 EB-07 EPA-01 INR-07 IO-10 L-02 NSF-01

NSC-05 NSAE-00 PM-03 RSC-01 SS-15 SP-02 FEAE-00 PA-01

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 7267

INFO AMEMBASSY BRUSSELS

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY THE HAGUE

USMISSION EC BRUSSELS

USMISSION OECD PARIS

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E. O. 11652: N/A

TAGS: SENV, EEC, OECD, GW

SUBJECT: ENVIRONMENT -- EC COMMISSION GUIDELINES FOR
POLLUTOR PAYS PRINCIPLE (PPP)

REF: A. STATE 001695, B. ECBRUSSELS 0260,

C. LONDON 00284

1. SUMMARY: PRELIMINARY DISCUSSIONS WITH AN
APPROPRIATE GERMAN ENVIRONMENTAL OFFICIAL SUGGEST
THAT FRG MAY DIFFER WITH SOME INTERPRETATIONS OF
SITUATION REPORTED REFTELS. EMBASSY FOLLOWING UP TO
OBTAIN MORE DETAILED GERMAN VIEWS. END SUMMARY

2. FRG MINISTRY INTERIOR OFFICIAL PROVIDED EMBASSY
WITH GERMAN-LANGUAGE COPY OF EC DOCUMENT REFLECTING
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DECISION OF COUNCIL ON NOVEMBER 7, 1974 (R/3014/74,

ENV. 139, NOVEMBER 18). HE REPORTED THAT REVIEW PROCESS FOR THIS DOCUMENT IS ALMOST COMPLETE AND IT MAY BE PUBLISHED IN OFFICIAL JOURNAL SOON.

3. HE DISCUSSED BRIEFLY AN "INTERNAL" COMMISSION PAPER WILL PROVIDE GUIDELINES FOR IMPLEMENTATION OF PPP UNDER ARTICLE 92 OF ROME TREATY AND PROMISED TO GIVE EMBASSY A COPY NEXT WEEK. IN HIS VIEW, THE OECD RECOMMENDATIONS, THE EC RECOMMENDATIONS AND THE COMMISSION GUIDELINES ARE CONSISTENT AND COMPATIBLE. HE NOTED THAT SAME GERMAN EXPERTS PARTICIPATED IN DRAFTING ALL THOSE DOCUMENTS. WE DREW ON REFTELS IN AN EFFORT TO PROBE HIS UNDERSTANDING OF SITUATION. HE DENIED, FOR EXAMPLE, THAT COMMISSION GUIDELINES WOULD PERMIT ENVIRONMENTAL SUBSIDIES FOR CONSTRUCTION OF NEW PLANTS WHICH WOULD VIOLATE EC RECOMMENDATIONS

4. HE DENIED OUR DISCREET INFERENCES THAT GERMAN ENVIRONMENTAL LEGISLATION MIGHT HAVE BEEN A FACTOR BEHIND DEVELOPMENT OF EC COMMISSION GUIDELINES WHICH DEVIATED FROM OECD AND EC RECOMMENDATIONS ALTHOUGH HE ACKNOWLEDGED THAT COMMISSION HAD ASKED FRG TO DROP DRAFT TAX LEGISLATION WHICH WAS RELEVANT TO PPP. GERMAN EXPERTS HAD MET WITH COMMISSION TO SEEK COMPROMISE. AS A CONSEQUENCE, GERMAN DRAFT TAX LEGISLATION WILL BE MODIFIED IN A WAY WHICH IS NOT YET CLEAR TO LIMIT ITS PROVISIONS AND TO MAKE IT COMPATIBLE WITH THESE INTERNATIONAL RESOLUTIONS.

5. MININT OFFICIAL GAVE EMBASSY A COPY OF DRAFT TAX LEGISLATION IN ITS PRESENT FORM. THIS GERMAN-LANGUAGE DOCUMENT WILL BE POUCHED AS INSTRUCTED REF C. IN THEIR PRESENT DRAFT FORM, THESE TAX REGULATIONS PROVIDE FOR A SIXTY PERCENT DEPRECIATION IN THE FIRST YEAR FOR STATIONARY OR MOBILE POLLUTION PREVENTION FACILITY WITH TEN PERCENT DEPRECIATION PER YEAR AUTHORIZED FOR SUBSEQUENT YEARS.

6. EMBASSY COMMENT: OUR MININT CONTACT EMPHASIZED LIMITED OFFICIAL USE

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THAT IN FRG VIEW, OECD RECOMMENDATIONS, EC RECOMMENDATIONS AND COMMISSION GUIDELINES DO NOT RPT NOT CONFLICT. WE PLAN ANOTHER MEETING WITH HIM AND WITH MININT TAX OFFICIALS NEXT WEEK TO EXPLORE THIS QUESTION FURTHER. EMBASSY WOULD APPRECIATE COMMENTS FROM ADDRESSEES WHICH MIGHT ASSIST US TO RESOLVE THESE APPARENTLY DIVERGENT VIEWPOINTS.
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